

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Plaintiffs,)	
)	
v.)	
MODERNA, INC. and MODERNATX, INC.,)	
)	
Defendants.)	C.A. No. 22-252-JDW
)	
<hr/> MODERNA, INC. and MODERNATX, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Counterclaim-Defendants.)	
)	

**MODERNA’S MOTIONS FOR SUMMARY JUDGMENT
PURSUANT TO FEDERAL OF CIVIL PROCEDURE 56**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna”) respectfully move for summary judgment on three grounds: (1) Arbutus Biopharma Corp. and Genevant Sciences GmbH’s (collectively, “Plaintiffs”) infringement claims based solely on sales under the C-100 Contract with the U.S. Government are barred by 28 U.S.C. § 1498; (2) Plaintiffs’ infringement claims under the doctrine of equivalents are barred by prosecution history estoppel; and (3) claims 7, 9, 11, 13, and 14 of the ’651 patent are invalid for indefiniteness. The full grounds for this motion are set forth in Moderna’s Opening Brief filed contemporaneously herewith.

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July 25, 2025

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FOR THE DISTRICT OF DELAWARE**

ARBUTUS BIOPHARMA CORPORATION
and GENEVANT SCIENCES GmbH,

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MODERNA, INC. and MODERNATX, INC., 3

Defendants.

C.A. No. 22-252-JDW

MODERNA, INC. and MODERNATX, INC.,

Counterclaim-Plaintiffs,

V.

ARBUTUS BIOPHARMA CORPORATION
and GENEVANT SCIENCES GmbH,

Counterclaim-Defendants.

[PROPOSED] ORDER

WHEREAS, the Court having considered Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna”)’s Motions for Summary Judgment on three grounds: (1) Arbutus Biopharma Corp. and Genevant Sciences GmbH’s (collectively, “Plaintiffs”) infringement claims based solely on sales under the C-100 Contract with the U.S. Government are barred by 28 U.S.C. § 1498; (2) Plaintiffs’ infringement claims under the doctrine of equivalents are barred by prosecution history estoppel; and (3) claims 7, 9, 11, 13, and 14 of the ’651 patent are invalid for indefiniteness (the “Motions”), and all briefing and submissions related thereto,

IT IS HEREBY ORDERED this _____ day of _____, 2025 that the Motions
are GRANTED.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 1, 2025, upon the following in the manner indicated:

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